

46. Emergency Shelters, Transitional Housing, Supportive Housing

June 2020

This Policy Guideline is intended help the parties to an application understand issues that are likely to be relevant. It may also help parties know what information or evidence is likely to assist them in supporting their position. This Guideline may be revised and new Guidelines issued from time to time.

This policy guideline addresses the differences between emergency shelter, transitional housing and supportive housing. Of these forms of housing, the *Residential Tenancy Act* (Act) applies only to supportive housing.

A. LEGISLATIVE FRAMEWORK

Section 4 of the Act states the Act does not apply to living accommodation provided for emergency shelter or transitional housing.

Under section 1 of the Residential Tenancy Regulation, “transitional housing” means:

- (a) living accommodation provided on a temporary basis;
- (b) by a person or organization that receives funding from a local government or the government of British Columbia or of Canada for the purpose of providing that accommodation, and;
- (c) together with programs intended to assist tenants to become better able to live independently.

B. EMERGENCY SHELTER

Under section 1.1 of the Residential Tenancy Regulation, “emergency shelter” includes living accommodation that is provided in relation to the COVID-19 emergency:

- a) on a temporary basis,
- b) free of charge to the occupant, and
- c) by a person or organization that receives funding from the government for the purpose of providing that accommodation.

In this section of the Residential Tenancy Regulation, “COVID-19 emergency” means the emergency that is the subject of:

- a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
- b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*.

As the language in the Regulation uses “includes”, the term “emergency shelter” is not limited to this definition. Section 1.1 of the Residential Tenancy Regulation simply clarifies that the term “emergency shelter” is intended to encompass circumstances beyond those where a facility provides a homeless individual with temporary overnight shelter. It is meant to provide greater certainty during the unusual circumstances of the COVID-19 emergency.

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Residents in emergency shelters may have an immediate need for support services, including help with meeting basic needs for nutrition hygiene and health services. Residents may be required to abide by house rules as a condition of their stay.

C. TRANSITIONAL HOUSING

Transitional housing is often a next step toward independent living. An individual in transitional housing may be moving from homelessness, an emergency shelter, a health or correctional facility or from an unsafe housing situation. Transitional housing is intended to include at least a general plan as to how the person residing in this type of housing will transition to more permanent accommodation. Individuals in transitional housing may have a more moderate need for support services, and may transition to supportive housing or to independent living. Residents may be required to sign a transitional housing agreement.

Living accommodation must meet all of the criteria in the definition of “transitional housing” under section 1 of the Regulation in order to be excluded from the Act, even if a transitional housing agreement has been signed.

D. SUPPORTIVE HOUSING

Supportive housing is long-term or permanent living accommodation for individuals who need support services to live independently. The *Residential Tenancy Act* applies to supportive housing, unlike emergency shelters and transitional housing which are excluded from the Act.

Under section 5 of the Act, landlords and tenants cannot avoid or contract out of the Act or regulations, so any policies put in place by supportive housing providers must be consistent with the Act and regulations.

A. CHANGES TO POLICY GUIDELINE

Section	Change	Notes	Effective Date
All	new		05-Dec-2016
B	am	Update to reflect the addition to the regulation of a definition of emergency shelter	02-June-2020

Change notations

am = text amended or changed

del = text deleted

new = new section added